

IN THE SENATE OF THE UNITED STATES.

APRIL 11, 1860.—Ordered to be printed.

Mr. CRITTENDEN submitted the following

REPORT.

The Committee on Revolutionary Claims, to whom was referred the petition of the heirs of Henry Brockholst Livingston, a lieutenant colonel of the continental army, praying for payment to them of the half pay, arrearages of pay, &c., to which he, as they allege, was entitled for his services in the war of the revolution, have had the same under consideration, and report:

That it appears the said Henry Brockholst Livingston was a lieutenant colonel in the army of the revolution; that he served and became entitled to half pay for life, &c., as represented in said petition. But this committee having referred the petition to the Treasury Department for information, have received, through the Secretary, several official letters from the Third Auditor of the treasury, from which it satisfactorily appears that the claims set forth in said petition were adjusted and fully paid to him in his life time, to wit: in the year 1786. The letters of the Third Auditor above alluded to, namely: one to the Secretary of the Treasury, one to the Hon. Abraham Bokee, and two to the Hon. George Briggs, are referred to and accompany this report, each marked A. The committee therefore recommend the adoption of the following resolution:

Resolved by the Senate, That the petition and claim of the heirs of Henry Brockholst Livingston be, and the same is hereby, rejected.

Exhibit A.

TREASURY DEPARTMENT,
Third Auditor's Office, February 3, 1834.

SIR: I have the honor of receiving your letter of 31st ultimo, in relation to Lieutenant Colonel Henry B. Livingston, of the revolutionary army. In reply, I have to state that there is no account on the revolutionary books on file in this office in the name of Colonel Henry Beckman Livingston, but there is an account of "Colonel Henry B. Livingston, of the second New York regiment," and also one in the name of "Lieutenant Colonel H. B. Livingston, aid-de-camp," but

neither of these accounts show anything to be due to the officer; and if, as you suggest, there was but one Colonel Henry B. Livingston in service, it is certain there can be nothing due to him from the United States, as it appears that Lieutenant Colonel Henry B. Livingston had a settlement in the year 1786, when he received a funded debt certificate for the balance of his pay, and subsistence, and final settlement certificate for his commutation of five years' full pay in lieu of half pay for life. I have ascertained at the Bounty Land Office that a warrant has been issued for Lieutenant Colonel Henry B. Livingston's land.

With great respect,

PETER HAGNER,
Auditor.

Hon. ABRAHAM BOKEE,
House of Representatives.

A.

TREASURY DEPARTMENT,
Third Auditor's Office, March 7, 1860.

SIR: Your letter of blank date, making inquiry in relation to two officers of the army of the revolution, named Henry B. Livingston, was duly received, as also the petition and papers in support of the claim of the heirs of Henry Brockholst Livingston, as a lieutenant colonel of the revolution, for commutation. I have accordingly the honor to inform you, that upon examination it appears from the revolutionary records of this office, that there were two officers of that name. One is stated to have been colonel of the second New York regiment, and stands a debtor on the books for \$5,349 10, notwithstanding his accounts are credited with nominal and real pay and subsistence from the 1st November, 1779, to the 31st December, 1781, and commutation for \$3,600.

The other is Lieutenant Colonel H. B. Livingston, aid-de-camp, whose accounts stand closed on the ledger. In the journal entry, however, the credit is to Lieutenant Colonel H. B. Livingston for five years' full pay, in lieu of half pay for life, \$3,600, and the debt is to *Lieutenant Colonel Henry B. Livingston*, for his certificate for commutation numbered from 93,852 to 93,854, inclusive, \$3,600.

Colonel Henry B. Livingston appears to have resigned, his resignation having been accepted under the resolve of the 13th of February, 1779. He therefore was not, under any circumstances, entitled to commutation, and the postings to his account of the said pay and commutation, on the ledger, is *evidently an error*.

By the Journal of the old Congress, under date of the 15th of October, 1779, it appears a letter of this date from Mr. Jay was read, soliciting leave of absence for Lieutenant Colonel Livingston, to accompany him to Spain. A motion was made by Mr. Matthews, seconded by Mr. Harnett, that Lieutenant Colonel H. B. Livingston have leave of absence for twelve months, on which the yeas and nays were required, and decided in the affirmative.

From the facts ascertained from the records of the State Department, which appear in the copies from the records thereof accompanying the petition and papers, it appears that Lieutenant Colonel Henry Brockholst Livingston returned from the same on the 1st of January, 1782, under the resolve of Congress of 31st December, 1781, and was not attached to the line of any particular State, and that he preferred his claim for compensation and commutation as early as 1784, and pursued it until May 1785. By the resolution of the 8th of March, 1785, such of the officers as retired under the resolution of the 31st December, 1781, were equally entitled to the half pay or commutation with those officers who retired under the resolutions of the 3d and 21st October, 1780; so that no impediment at the time of his last application existed to an allowance of his claim.

From the facts in the case it is clear to my mind that the pay, &c., from the 1st November, 1779, (long after the resignation of Colonel Livingston, and which embraces the whole period of Lieutenant Colonel Livingston's leave of absence, and more than a year thereafter,) to the 1st January, 1782, the date of his derangement, which appears on the Journal under date of January and March, 1786, should, together with the half pay or commutation, have been posted to the account of Lieutenant Colonel Henry Brockholst Livingston, and that he has been fully settled with, both for his pay and commutation of five years' full pay, in lieu of half pay for life.

The petition and papers are herewith returned.

With great respect, your obedient servant,

R. J. ATKINSON,
Auditor.

Hon. GEORGE BRIGGS,
*Chairman Committee of Revolutionary Claims,
House of Representatives.*

A.

TREASURY DEPARTMENT,
Third Auditor's Office, March 13, 1860.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, requesting me to furnish you with an abstract of the account of Lieutenant Colonel Henry Brockholst Livingston, as it now stands on the ledger of the Treasury Department, for the use of the Committee on Revolutionary Claims. In compliance with your request, I herewith inclose a copy of the account of Lieutenant Colonel H. B. Livingston, aid-de-camp, (there being no account in the name of Lieutenant Colonel Henry Brockholst Livingston on the books) who is no doubt the officer, the claim of whose heirs is now before your committee, and who has been fully settled with, as stated in my letter to you of the 8th instant, for his pay and commutation.

I also inclose you a copy of the account of Colonel Henry B. Livingston, second New York regiment, who appears to have resigned in January, 1779, and who, in consequence thereof, was not entitled to commutation. I also inclose to you a copy of a letter from this office,

under date of 3d February, 1834, to the Hon. Abraham Bokee, in regard to the case of Lieutenant Colonel Henry B. Livingston, which, together with the copies of the account, affords all the information the records of this office show, in relation to the said Livingston.

With great respect, your obedient servant,

R. J. ATKINSON,
Auditor.

Hon. GEORGE BRIGGS,
*Chairman Committee on Revolutionary Claims,
House of Representatives.*

A.

TREASURY DEPARTMENT,
Third Auditor's Office, March 14, 1860.

SIR: I have the honor to return you herewith the letter of the Hon. John J. Crittenden, chairman of the Committee on Revolutionary Claims, United States Senate, inclosing the printed petition of the heirs of Henry Brockholst Livingston, as a lieutenant colonel during the war of the revolution, and requesting to be furnished with such information as the records afford in support of, or against, the claim of the heirs of Henry Brockholst Livingston, which you referred to me this morning for a report, and I have to inform you that the same claim has been the subject of very much correspondence with this office and the Hon. George Briggs, chairman of the Committee on Revolutionary Claims of the House of Representatives, which, as the committee had not received my answer to its last letter, *received yesterday*, I presume the claim has not, as yet, been disposed of by that committee. I herewith inclose to you copies of the correspondence, which furnishes all the information the revolutionary records of this office afford in relation to the subject.

With great respect, your obedient servant,

R. J. ATKINSON,
Auditor.

Hon. HOWELL COBB,
Secretary of the Treasury.